IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8659 OF 2005

Union of India & Ors. ... ... Petitioners
V/s
Ashok B. Kadam..... ... ...
Respondents.

Mr.Suresh Kumar, Adv. For the petitioners.

Mr.Rahul Walia with Mr.G.S.Walia, for respondents.

CORAM: V.G. PALSHIKAR, Ag. C.J.
AND
D.B. BHOSALE, J.
14.12.2005.

PC:

By this petition the petitioner Union of India questions the order passed by the Central Administrative Tribunal holding on appreciation of facts that the date of birth of the respondent is September, 1947 and not September, 1945. Consequential reliefs is also claimed. However the findings recorded by the Tribunal are findings of fact. They are based on cogent evidence. The nationality and domicile certificate reflect the date of birth as 20.9.1947. The birth date certificate also shows the same age. These findings are thus based on evidence available before the Tribunal. Apart from that there are atleast two documents maintained by the Railway where the date of birth of respondent is shown as 20.9.1947.

2. The contention seems to be that it is only the matriculation certificate and mention of birth date in it is authenticated and any other evidence however impressive or cogent is required to be rejected. We are unable to accept this argument on behalf of the Union of India. We also fail to understand as to why the Union of India should indulge in such litigation which is obviously avoidable. Petition dismissed.

14.12.05